

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1858.—Ordered to be printed.

Mr. EVANS submitted the following

REPORT.

*The Committee on Revolutionary Claims, to whom was referred the petition of Elizabeth A. Middleton, praying to be allowed a sum of money expended by her father, Captain Belair Posey, during the revolutionary war, having had the same under consideration, submit the following report:*

Captain Belair Posey was a captain in the troops marched to New Jersey, called the Flying Camp. He received from the council of Maryland money to pay his troops in 1777. He marched to Philadelphia, where a month's pay for his company was paid him by order of Congress. He did not pay over the money to his company and the reason assigned was, that he thought the men had as much money as was necessary for them. He marched from thence to Elizabethtown, at which place the sum of £180 15s. 6d. was stolen from his trunk in the night time, notwithstanding he used every care and precaution for its safe keeping. He paid the troops all the money he received, and applied to the legislature of Maryland to reimburse the money so lost. The committee of claims of that State reported against the claim, and it was disallowed. The committee say in their report that the facts stated in his petition were doubtless true, and if he had lost the money before he arrived at Philadelphia, where he should have paid it, he would have been entitled to relief; but as he kept the money in his possession after that time, it was at his own risk. This report was made the 4th of March, 1777. It does not appear from the papers that any subsequent application was made to Maryland, and the case is now presented to Congress for the first time.

Eighty years have elapsed since this application was made to the State of Maryland. It may have been a meritorious case, and Congress have in many cases relieved those with whom public money was deposited, under like circumstances; but there should be some limitation of time to these old demands. The very fact of delay, unaccounted for, is calculated to excite a prejudice. Your committee think it unwise to open a door to antiquated cases of this kind, and recommend that the prayer of the petitioner be refused.

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REPORT

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The Committee on the Judiciary, to which was referred the petition of the ...

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